

RESOLUTIONS - 1999-00 SESSION

Resolution No.	Date of Meeting	Title of Resolution	Action	Response of administration
99/1	9/10/99	A Resolution Regarding the Wellness Center Proposed Faculty User Fees	Failed 9/10/99	
99/2★	12/10/99	A Resolution to Amend the 1996 <u>Faculty Code</u> of The George Washington University	Adopted, as amended, 12/10/99	(griev proc)
99/3	12/10/99	A Resolution to Strengthen the Rape and Sexual Assault Policy of the <u>Code of Student Conduct</u>	Adopted, as amended 12/10/99	
99/4	1/21/00	A Resolution to Sponsor a Benefit Run	Adopted 1/21/00	
99/5	2/4/00	A Resolution Concerning a Proposed College of Professional Studies	Adopted, as amended 2/4/00	
99/6	3/10/00	A Resolution to Endorse the Policy and Procedures Governing Sexual Harassment Complaints	Postponed to 4/14/00 Recommitted to Ad Hoc Committee 4/21/00 <i>adopted, as amended, May 5, 2000</i>	
99/7	4/14/00	A Resolution of Appreciation for Professor Lilien F. Robinson	Adopted by Acclamation 4/14/00	

★ Code amendments - See response (next page)

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99/1	9/10/99	A Resolution Regarding the Wellness Center Proposed Faculty User Fees	Failed 9/10/99	Agreed The Administration believes that, according to the Bylaws of the University, its responsibilities are discretionary. Therefore, it is concerned with language that would make its role ministerial as proposed in Section 7.
99/2	12/10/99	A Resolution to Amend the 1996 <u>Faculty Code</u> of The George Washington University	Adopted, as amended, 12/10/99	
99/3	12/10/99	A Resolution to Strengthen the Rape and Sexual Assault Policy of the <u>Code of Student Conduct</u>	Adopted, as amended 12/10/99	
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THE PRESIDENT

TO: Lilien F. Robinson
FROM: Stephen J. Trachtenberg
SUBJECT: 1999-00 Faculty Senate Resolutions
DATE: June 26, 2000

Lilien: I am in receipt of your April 28, 2000 memorandum providing a tabulation of resolutions acted upon by the Faculty Senate during its 1999-00 session. As you requested, I am pleased to attach the response of the Administration to these resolutions for inclusion in the Faculty Senate Annual Report.

SJT/h
Attachment

**A RESOLUTION REGARDING THE WELLNESS CENTER
PROPOSED FACULTY USER FEES (99/1)**

WHEREAS, the use of athletic and recreational equipment at The George Washington University has been a cost-free privilege of faculty since the 1930's; and

WHEREAS, the continuing high morale of the faculty, and the need to recruit superior faculty are of utmost importance to this University; and

WHEREAS, the administration strives to enhance faculty-student interaction in all arenas of the University's life and the imposition of fees on faculty for use of the new Wellness Center will discourage the use of these facilities and encourage faculty to use facilities away from the campus; and

WHEREAS, the Faculty Handbook (December, 1992) specifically grants to faculty the use of athletic facilities in the Smith Center when not being used for other University-sponsored activities; and

WHEREAS, other universities in the area grant their faculty use of their athletic and health facilities either without cost or at a very nominal fee; **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

1. That the Faculty Senate endorses the continuation of the current policy of no user fees with regard to the use of the Wellness Center (when it is put into service); this reflects the spirit, if not the exact wording, of the current Faculty Handbook; and
2. That , if budgetary considerations make clear that there is a definite need for faculty user fees, then those fees ~~be based on a per/use~~ provide a choice of either a fixed term or a per/use basis, that they be as modest as possible, and that they be instituted only after some period of trial use on the part of the faculty; and
3. That the Senate endorses a policy that would, in the event user fees are imposed, exempt newly-hired faculty from all user fees for a period of two years, and would allow continuing faculty a three-time per semester exemption from user fees.

Committee on Athletics and Recreation
April 9, 1999

Failed, September 10, 1999

See Res. 00/2
Oct. 13, 2000

THE GEORGE WASHINGTON UNIVERSITY

Faculty Senate

Friday, December 10, 1999

A RESOLUTION TO AMEND THE 1996 FACULTY CODE OF THE GEORGE
WASHINGTON UNIVERSITY (99/2)

WHEREAS, Faculty Senate instituted a Special Faculty Committee to Study the Faculty Grievance Procedures under the Chairmanship of Professor M. Cheh of the GW Law School,

and,

WHEREAS, The Executive Committee of the Faculty Senate received the Special Committee's final report on October 15, 1997,

and,

WHEREAS, the Professional Ethics and Academic Freedom Committee was requested by the Executive Committee to examine the report and to recommend changes to Article X of the Faculty Code and to Section E of the Procedures for the Implementation of the Faculty Code,

BE IT THEREFORE RESOLVED by the Faculty Senate of The George Washington University that:

The Faculty Code of The George Washington University be amended as follows:

Key: Changes to existing Faculty Code language as proposed by the 10/15/97 Report of the Special Senate Committee to Study the Faculty Grievance Procedures ("Cheh Report"), with modifications thereto adopted by the PEAFC Committee at its meeting on 11/12/99, are shown in underline for new language and ~~strikeout~~ for deletions.

Professional Ethics and Academic Freedom Committee
November 12, 1999

Adopted, as amended, December 10, 1999

Faculty Code

...

X. RIGHTS, PRIVILEGES, AND RESOLUTION OF DISPUTES UNDER THIS CODE

A. Rights and Privileges Under This Code

The rights, privileges, and responsibilities of a faculty member, as conferred by this Code, shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities shall first be considered by the faculty member or members concerned, or by appropriate representatives of the faculty, in cooperation with the responsible administrative officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article shall be fully utilized.

B. Grievances

To maintain a grievance, the complaining party must allege that he or she has suffered a substantial injury resulting from violation of ~~professional~~ rights or privileges concerning academic freedom, research or other scholarly activities, tenure, promotion, reappointment, dismissal, or sabbatical or other leave, arising from:

1. Acts of discrimination prohibited by federal or local law;
2. Failure to comply with ~~follow~~ the Faculty Code, or Faculty Handbook, or other rules, regulations, and procedures established by the University;
3. Arbitrary and capricious actions on behalf of the University ~~actions~~; or arbitrary and capricious applications of federal or local statutes and regulations; or
4. Retaliation for exercise of Code-protected rights.

Procedures for the Implementation of the Faculty Code

...

E. Procedures for Implementation of Article X of the Faculty Code

1. Informal Resolution

Before instituting ~~any formal proceedings concerning an alleged violation of the Faculty Code~~ a formal grievance, the aggrieved party ~~or parties~~ shall make exhaust all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.

2. Dispute Resolution Committee

The Faculty Senate shall elect a Dispute Resolution Committee of fifteen tenured, active-status faculty members, no more than three of whom shall be members of the faculty of any one school (except that four may be members of the faculty of Columbian School and four may be members of the Law School) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chair of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the dispute resolution procedures.

3. Preliminary Proceedings

If informal consultation fails to resolve the matter or if the aggrieved party concludes that such consultation is not feasible or would be futile, the aggrieved party shall refer the dispute to the Dispute Resolution Committee by means of a letter addressed to the Chair with copies sent to the Chair of the Executive Committee of the Faculty Senate and to the Vice President for Academic Affairs on behalf of the University. ~~of the Executive Committee. The Executive Committee, once it has made its own determination that all reasonable efforts to achieve a resolution through informal consultation have been exhausted, shall appoint either a special mediator or a special mediation committee of three members, none of whom shall be members of the Dispute Resolution Committee;~~

~~and this mediator or mediation committee shall conduct an informal investigation of the matter and attempt to effect expeditiously a mutually satisfactory solution. The appointment shall be recorded in the minutes of the Faculty Senate. The letter shall identify the general nature and circumstances of the dispute. Unless either the University or the aggrieved party objects, the Chair of the Dispute Resolution Committee shall promptly appoint a special mediator of appropriate qualifications to assist the University and the aggrieved party to resolve the dispute.~~

~~c) The special mediator or mediation committee shall report to the Executive Committee, with copies to the parties, only that a mutually satisfactory solution has been achieved, in which case the report should set forth the basis of the settlement or that it has been concluded that further efforts at mediation would be futile. The Special mediator shall report to the chair of the dispute resolution committee that a mutually satisfactory solution has been achieved, in which case the grievance shall be dismissed, or that efforts at mediation were unsuccessful.~~

4. Formal Proceedings

a) Commencement of Proceedings

~~1) - If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chair of the Dispute Resolution Committee, with copies sent to the Chair of the Executive Committee of the Faculty Senate and the other party or parties.~~

1) If either party declines to mediate or to continue to mediate, or if efforts at mediation are unsuccessful, the aggrieved party may commence formal proceedings by means of a grievance sent to the Chair of the Dispute Resolution Committee, with copies sent to the Chair of the Executive Committee of the Faculty Senate and to the Vice President for Academic Affairs on behalf of the University.

2) The grievance shall identify the aggrieved party as the "Grievant" and shall name The George Washington University as the "Respondent". A grievance may not be brought against faculty members of the University, acting in their individual capacities as faculty members. Consistent with Article X.B., a grievance may only be maintained against the University for official acts. The Vice President for Academic Affairs shall identify the appropriate faculty member or administrative official who shall act on behalf of the University as Respondent.

3) The grievance shall set forth with particularity the nature of the dispute, specifying, consistent with Article X.B., the rights or privileges under the Faculty Code alleged to have been violated, the specific act or acts alleged to constitute the violation, and the identity of the remedy sought and the reasons alleged to justify the remedy. The grievance shall also set forth the Grievant's efforts to resolve the dispute informally, or if no such efforts were made, the reasons for failing to make such efforts. No grievance may be maintained on the basis of error that did not affect the substantial rights of the complainant Grievant.

4) Within twenty calendar days of receipt of the grievance the other party or parties to the dispute University shall reply in writing, sending copies of the reply to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the complaining party or parties Grievant. The reply shall set forth with particularity the position of the replying party or parties University with respect to each allegation of the grievance.

b) Hearing Committee and Hearing Officer

1) Upon receipt of the complaint and reply Within a reasonably prompt period of time, ordinarily within ten calendar days of receipt of the grievance and reply, the Chair of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Dispute Resolution Committee and a presiding Hearing Officer from a panel of names previously approved by the Executive Committee. The Chair of the Dispute Resolution Committee shall designate one member of the Hearing Committee to

serve as the presiding Hearing Officer. The Hearing Officer shall ~~be chosen from among University personnel of~~ have appropriate experience and training but need not be an attorney. ~~The role of the Hearing Officer throughout these procedures is to~~ The Hearing Officer, in addition to serving as a full member of the Hearing Committee, shall assure an orderly, expeditious, and relevant hearing, to assure the development of a complete, fair, and reliable record, and to advise the Hearing Committee as to issues of substance and procedure. The Hearing Committee may request the replacement of the Hearing Officer at any time.

2) No member of the same department as ~~a party~~ the Grievant shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by peremptory challenge. Any party may also seek to disqualify any member of the Hearing Committee for cause. The Chair of the Dispute Resolution Committee shall decide any challenges for cause, based on written submissions from the parties. The Chair of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of ~~respondent's reply~~ the grievance and reply, the ~~chair of the Dispute Resolution Committee~~ Hearing Officer shall convene the Hearing Committee to review the grievance. If a majority of the Hearing Committee, after an opportunity for argument by the parties, finds that the grievance does not allege facts sufficient to state a grievance under the Code, or that the grievance is based on evidence or allegations substantially the same as those that have previously been heard or decided, or that could have been presented in a previous hearing, the grievance shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If a majority of the Dispute Resolution Committee, after an opportunity for argument by the parties, agrees ~~concludes~~ that for any of the reasons set out in this section a hearing is not warranted, the grievance shall be dismissed, in whole or in part, and the matters dismissed shall be deemed closed.

4) On the determination that a hearing is warranted, the ~~Hearing Committee shall be convened by the presiding Hearing Officer and~~ Hearing Officer shall promptly convene the Hearing Committee, which shall establish a schedule for the hearing. Grievances shall be heard and decided with reasonable dispatch, and, ordinarily, shall be completed by the Hearing Committee within three months after the determination that a hearing is warranted.

5) All three members of the Hearing Committee shall be present during the hearings and deliberations of the Committee, except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of ~~substance or~~ procedure necessary to the conduct of the hearing, subject to being overridden by ~~a majority vote of~~ the other two members of the Hearing Committee; ~~to ask questions and~~ to control the development of testimony and of evidence in the record ~~as deemed appropriate~~; to prepare or assign the writing of an draft opinion ~~for the use on behalf~~ of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer ~~does not vote on the~~ is a full member of the Hearing Committee, and the Hearing Committee shall decide all ultimate questions of fact, substance, procedure, or policy, ~~as these are acted upon by the Hearing Committee~~ by majority vote. The Hearing Officer shall sign dispositive orders ~~of the on behalf of the Hearing Committee only to authenticate them.~~

7) Members of the Hearing Committee, members of the Dispute Resolution Committee, and the parties shall avoid ex parte communications bearing on the substance of the dispute.

c) Procedure for Hearings

1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.

2) A grievance procedure is not a formal judicial proceeding. Its purpose is to provide a fair evaluation of an allegation that a right or privilege has been violated. In order to achieve that end, the Hearing Committee shall have authority to call any material witness who is a member of the University faculty, administration, or staff and any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties. The University ~~will make a reasonable effort to facilitate the appearance of witnesses~~ shall use its best efforts to assure the appearance of all faculty, administration, and staff reasonably called to testify.

3) The procedure at the hearings shall be informal but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence that is not privileged. The Hearing Committee may decline to consider evidence when its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf; to call as material witnesses any member of the University faculty, administration, or staff and any other person who is willing to testify; to present written and other evidence; and to cross-examine witnesses called by other parties. A party shall be entitled to inspect and copy, in advance of the hearing, all ~~any~~ relevant documents in the control of the other party and not privileged and may offer such documents or excerpts therefrom in evidence. ~~The University will make a reasonable effort to facilitate the appearance of witnesses.~~

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party or the Hearing Committee, the Hearing Committee shall determine that it is in the best interest of the University and the parties that the hearings be closed.

7) At the conclusion of the presentation of evidence and argument from both sides, the Committee shall convene in closed session to deliberate and reach a decision in closed session. In rendering its decision, the Hearing Committee shall not substitute its judgment for that of the maker of the decision being challenged. Rather it shall determine whether the Grievant has established by clear and convincing evidence that he or she has suffered a substantial injury pursuant to Article X.B. resulting from: 1) acts of discrimination prohibited by federal or local law; 2) the decision maker's failure to follow the Faculty Code, or Faculty Handbook, or other rules, regulations, and procedures established by the University; 3) arbitrary and capricious applications of federal or local statutes and regulations; or 4) retaliation for exercise of Code protected rights.

8) The Hearing Committee shall render its findings and recommendations in a written opinion ~~report~~ that shall state the number of members subscribing to the opinion ~~report~~ and shall include dissenting opinions, if any. This opinion ~~report~~ shall be submitted to the Chair of the Dispute Resolution Committee ~~Executive Committee of the Faculty Senate~~, and copies shall be transmitted to the parties and to the Chair of the Executive Committee of the Faculty Senate ~~Dispute Resolution Committee~~.

9) The hearing procedures shall be concluded and the Hearing Committee's findings and recommendations shall be rendered as soon as practicable.

5. Appeals

a) Any party may appeal the final decision of the Hearing Committee by filing a notice of appeal with the Chair of the Dispute Resolution Committee and sending copies thereof to the Chair of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten calendar days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by members of the Dispute Resolution Committee who were not members of the Hearing Committee, provided that members of the Dispute Resolution Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as the Grievant ~~any of the parties~~ shall not participate in the hearings of the appeal. A quorum for hearing an appeal shall be two-thirds of those members of the Dispute Resolution Committee eligible under the terms of this section.

c) The parties to an appeal shall be entitled to present written and oral argument. However, evidence not introduced in the hearing may not be considered on appeal.

d) The Dispute Resolution Committee shall decide by majority vote and render an opinion in writing, sustaining, modifying, overruling, or remanding the decision of the Hearing Committee. ~~Copies of the opinion shall be transmitted to the parties and the Chair of the Executive Committee of the Faculty Senate.~~

6. Remedies.

A Hearing Committee and the Dispute Resolution Committee may recommend that the University action being challenged be upheld, modified, reconsidered or remanded under specified conditions, or reversed, in whole or in part. A Hearing Committee and the Dispute Resolution Committee may not include as part of their recommendations any damages for nonpecuniary losses, punitive damages, or any other actions or measures outside of the scope of the underlying University action being challenged.

5.7. Final Disposition

~~[When the time for filing an appeal has expired without an appeal having been commenced, or when the appeal process has been completed and a final decision has been rendered, the record of the case, including the decisions of the Hearing Committee and the Dispute Resolution Committee, shall be transmitted to the President and the Board of Trustees for final disposition. In the absence of a timely appeal filed by either party from a decision of a Hearing Committee, or after a decision of the Dispute Resolution Committee, such decision shall be transmitted to the parties, to the Chair of the Executive Committee of the Faculty Senate, and to the Vice President for Academic Affairs. The decision of the relevant Committee shall be deemed final and shall be implemented by the University unless the Vice President for Academic Affairs determines, that the relevant Committee's decision is clearly erroneous and should not be implemented, in which case, AFTER GIVING SUBSTANTIAL DEFERENCE TO THE FINDINGS AND RECOMMENDATIONS OF THE RELEVANT COMMITTEE, THAT THERE ARE COMPELLING REASONS NOT TO IMPLEMENT THE RELEVANT COMMITTEE'S DECISION. IN THE EVENT OF SUCH A DETERMINATION, the Vice President shall transmit his or her determination (INCLUDING AN EXPLANATION OF SUCH COMPELLING REASONS) and recommendation, and the record of the case through the President of the University to the Board of Trustees, or, at the election of the Grievant, solely to the President, with copies to the Grievant and the Chairs of the Dispute Resolution Committee and the Executive Committee of the Faculty Senate, for a prompt decision of the President or the~~

5.7. Final Disposition Board of Trustees.

~~In the absence of a timely appeal filed by either party from a decision of a Hearing Committee, or after a decision of the Dispute Resolution Committee, such decision shall be transmitted to the parties, to the chair of the Executive Committee of the Faculty Senate, and to the Vice President for Academic Affairs.~~

**A RESOLUTION TO STRENGTHEN THE RAPE AND SEXUAL ASSAULT POLICY
OF THE CODE OF STUDENT CONDUCT (99/3)**

WHEREAS, the current Code of Student Conduct, last reviewed three years ago, reflects the common belief that, as a general rule, both rape and sexual assault involve physical force between strangers; and

WHEREAS, at GW, as at most universities, rape and sexual assault are far more likely to involve acquaintances, do not necessarily include physical force, and often involve drugs or alcohol; and

WHEREAS, the current Code includes a definition of the lack of consent which may not account for the possibilities and complexities of incidents of sexual invasion, and should be updated to provide more guidance for the university community as to the definition of consent itself; and

WHEREAS, separating rape and sexual assault, as the current Code does (even though the recommended minimum sanctions are the same), creates a distinction which could lead members of the community to ignore the seriousness of all forms of sexual invasion; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That parts *a* and *b* of Section 11, the Code of Student Conduct, be replaced by the following language:

11. *a.* *Sexual Assault* – inflicting any sexual invasion (including but not limited to sexual intercourse) upon any person without that person's consent. "Consent" requires actual words or conduct indicating a freely-given agreement to have sexual intercourse, or to participate in sexual activities. The university community should be aware that, depending on the particular circumstances, previous sexual relationships, or current relationship between the persons involved, or silence, or lack of protest do not necessarily constitute consent. Further, the degree of impairment of a person's ability to give or withhold consent (including but not limited to incapacity or helplessness caused by alcohol or other drugs) may be introduced as pertinent information at any university disciplinary hearing.

- (2) That the rest of the Code of Student Conduct be revised as needed to reflect this change.

Joint Committee of Faculty and Students
November 16, 1999

Adopted, as amended, December 10, 1999

A RESOLUTION TO SPONSOR A BENEFIT RUN (99/4)

WHEREAS the University and Urban Affairs Committee of the Faculty Senate exists to strengthen both intrauniversity and external ties; and

WHEREAS, a greater sense of a unified GW community should be encouraged; and

WHEREAS, a closer relationship should be established between the University's Foggy Bottom and Mt. Vernon campuses; and

WHEREAS, an athletic and charitable event, such as a benefit run, can draw together all facets of the GW community--students, faculty, administrators, staff, and alumni; and

WHEREAS, the Board of Trustees has designated this as "the year of the undergraduate student";

BE IT HEREBY RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

(1) That a university-wide committee, consisting of students, faculty, administrators, and staff, be established in order to finalize the plans for a benefit run that would encompass the Foggy Bottom and Mt. Vernon campuses; and

(2) That said committee avail itself of the considerable exploratory research and documents provided by University and Urban Affairs; and

(3) That said committee canvas the GW community as well as the office of the Mayor of the District of Columbia in order to establish at least one favorite charity that would benefit from the run; and

(4) That the University should take all necessary action to ensure that a benefit run takes place no later than the fall of 2001; and

(5) That an educational component should be incorporated into the Benefit Run activities.

University and Urban Affairs Committee
Faculty Senate
December 10, 1999

Adopted, January 21, 2000

**UNIVERSITY AND URBAN AFFAIRS
FACULTY SENATE
December 10, 1999**

Synopsis of the Report from the Subcommittee on the GWU Benefit Run. The report and document of the subcommittee, as chaired by Ms. Amiko Matsumoto, were presented to the entire University and Urban Affairs Committee during the October 1999 meeting.¹

- The idea of a Benefit Run was first suggested in the Committee's June, 1999 meeting.
- Experts on the issue of Benefit Runs were invited to speak to the Committee in the August meeting. They provided a formal presentation of the breadth of issues associated with a Run. Some of those issues are as follows:
 - General Goals:
 - To raise money for the benefit of a charitable organization or organizations, tuition grants, or fellowships, etc.
 - To promote student, faculty, staff, administrator, alumni affairs, and community involvement in the DC community;
 - To create an enjoyable, safe, *and* educational event for participants and observers;
 - To promote the benefit run as an event that links the Foggy Bottom and Mt. Vernon Campuses.
 - Execution of the Event:
 - Costs of food, printing materials, promotion, clothing, etc. to be picked up by sponsors and donors
 - Route of Event:
 - To select a route that includes both DC campuses of GW;
 - Decisions to be made after consulting with the office of Mr. Barry Dempsey (Risk Management) and the appropriate city office for permits.
 - Academic Correlation as appropriate to individual disciplines, e.g.:
 - Sports psychology
 - History of racing/marathon
 - Women in sports
 - Orthopedic panel/discussion
 - Sociology of sport (e.g. Jackie Robinson)
 - Possible suggestions for appropriate title:
 - GW Knowledge Run;
 - Run to Know Your Community
 - Run Know more;
 - Possible Sponsors:
 - sponsors with food products that would set up booths with nutritional samples;
 - sponsors with clothing products that would display relevant athletic fashions;
 - Types of Competition:
 - Men's race
 - Women's race
 - Co-rec race (for amateurs)

¹ The full text of that document is available by contacting ycaptain@gwu.edu

A RESOLUTION CONCERNING A PROPOSED COLLEGE OF PROFESSIONAL STUDIES (99/5)

WHEREAS, in accordance with the Faculty Code, Article IX.A, the Faculty Senate has been asked for its response to a working document for a new College of Professional Studies (the "proposed College"), with notice that the Administration is planning a presentation for the meeting of the Board of Trustees in February, 2000; and

WHEREAS, the Ad Hoc Committee established by the Faculty Senate on December 10, 1999, to advise on this issue, having been presented with a preliminary description and without an accompanying financial plan, detailed marketing information or a final administrative structure, has recommended that the Senate respond in a timely way by focusing on broad principles; and

WHEREAS, the Ad Hoc Committee on the proposed College has found a number of meritorious aspects of the proposal, especially those suggesting better coordination of off-campus, nontraditional, and distance offerings, more interschool cooperation, and more focused and aggressive marketing tactics; and

WHEREAS, the Faculty Senate is concerned about the need to ensure that the courses and programs of the proposed College are offered in accordance with appropriate academic standards that will preserve and enhance the University's reputation; and

WHEREAS, Section A. of the Procedures for Implementation of the Faculty Code, specifies that regular active-status faculty of schools or comparable education divisions shall establish written procedures for the governance of that unit, and the Faculty Senate believes that the governance structure of the proposed College warrants careful study;
NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

1. That further development of the proposal for a College of Professional Studies be undertaken under the aegis of a Joint Faculty-Administration Task Force, to be comprised of seven (7) faculty members to be named by the Faculty Senate, one of whom shall be designated Faculty Co-Chair, and seven (7) members of the administration (possibly including Trustees), one of whom shall be designated Administration Co-Chair to be named by the President or the Vice President for Academic Affairs; and
2. That the Joint Task Force be charged with crafting expeditiously a revised proposal that will be evaluated in terms of (a) advancing the interests of the University in taking advantage of new possibilities for off-campus,

nontraditional, and distance education, while (b) making more efficient use of current programs and offerings; but also (c) ensuring the regular faculty's Code-guaranteed roles in initiating faculty appointments, and in overseeing all curricular developments, especially of for-credit-courses and programs; and (d) further ensuring that any new degrees are authorized and approved in accordance with the spirit of the University-approved Faculty Senate policy on interschool programs (Resolution 97/7); and

3. That the Joint Task Force submit a report (and, to the extent practicable, a proposed resolution) to the Faculty Senate by September 15, 2000; and
4. That the Faculty Senate will not be in a position to express its recommendations with respect to the proposed College until it reviews and considers the report of the Joint Task Force.

**Ad Hoc Committee on a Proposed College
of Professional Studies**

January 28, 2000

Adopted, as amended, February 4, 2000, by the Faculty Senate

**A RESOLUTION TO ENDORSE THE POLICY AND PROCEDURES
GOVERNING SEXUAL HARASSMENT COMPLAINTS (99/6)**

WHEREAS, the Faculty Senate, in a meeting on December 11, 1998, passed a resolution to refer the Interim Policy and Procedures Governing Sexual Harassment Complaints to an Ad Hoc Committee for review; and

WHEREAS, the Ad Hoc Committee has reviewed the Interim Policy and Procedures and, based upon wide-ranging consultation, the study of sexual harassment policies from other institutions, the study of sexual harassment literature and court cases, has recommended changes to the Interim Policy and Procedures both in the interests of clarification and simplification and in substance; and

**WHEREAS, the Faculty Senate resolution of December 11, 1998, directed the Ad Hoc Committee to report its recommendations with respect to any changes to the Interim Policy and Procedures Governing Sexual Harassment Complaints to the Faculty Senate;
NOW, THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON
UNIVERSITY**

That the Faculty Senate endorses the Policy and Procedures Governing Sexual Harassment Complaints as recommended by the Ad Hoc Committee.

**Ad Hoc Committee to Review Interim Policy and
Procedures Governing Sexual Harassment Complaints
January 12, 2000**

Postponed, March 10, 2000, to April 14, 2000

Recommitted, April 21, 2000, to Ad Hoc Committee

**A RESOLUTION TO ENDORSE THE POLICY AND PROCEDURES
GOVERNING SEXUAL HARASSMENT COMPLAINTS (99/6)**

WHEREAS, the Faculty Senate, in a meeting on December 11, 1998, passed a resolution to refer the Interim Policy and Procedures Governing Sexual Harassment Complaints to an Ad Hoc Committee for review; and

WHEREAS, the Ad Hoc Committee has reviewed the Interim Policy and Procedures and, based upon wide-ranging consultation, the study of sexual harassment policies from other institutions, the study of sexual harassment literature and court cases, has recommended changes to the Interim Policy and Procedures both in the interests of clarification and simplification and in substance; and

**WHEREAS, the Faculty Senate resolution of December 11, 1998, directed the Ad Hoc Committee to report its recommendations with respect to any changes to the Interim Policy and Procedures Governing Sexual Harassment Complaints to the Faculty Senate;
NOW, THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON
UNIVERSITY**

That the Faculty Senate endorses the Policy and Procedures Governing Sexual Harassment Complaints as recommended by the Ad Hoc Committee.

**Ad Hoc Committee to Review Interim Policy and
Procedures Governing Sexual Harassment Complaints
January 12, 2000**

Postponed, March 10, 2000, to April 14, 2000

Recommitted, April 21, 2000, to Ad Hoc Committee

Adopted, as amended, May 5, 2000

[AS AMENDED BY THE FACULTY SENATE, April 14, April 21, & May 5, 2000]

AS RECOMMENDED BY THE AD HOC COMMITTEE ON POLICY AND PROCEDURES GOVERNING SEXUAL HARASSMENT COMPLAINTS

SEXUAL HARASSMENT POLICY AND PROCEDURES

First principles of this policy

The George Washington University is committed to maintaining a positive climate for study and work, in which individuals are judged solely on relevant factors, such as ability and performance, and can pursue their activities in an atmosphere that is free from coercion and intimidation. The University mission statement provides that the University "values a dynamic, student-focused community stimulated by cultural and intellectual diversity and built upon a foundation of integrity, creativity, and openness to exploration of new ideas." The University is committed to free inquiry, free expression, and the vigorous discussion and debate on which advancement of its mission depends. Sexual harassment is destructive of such a climate and will not be tolerated in the University community.

Objectives

This policy and these procedures aim to inform members of the University community what sexual harassment is and what they can do should they encounter or observe it. The University prohibits sexual harassment by any student, staff member, faculty member, and others in the University community; encourages reporting of sexual harassment before it becomes severe or pervasive; identifies accessible persons to whom sexual harassment may be reported; requires persons (whether faculty, staff or student) in supervisory or evaluative roles to report sexual harassment complaints to appropriate officials; prohibits retaliation against persons who bring sexual harassment complaints; assures confidentiality to the full extent consistent with the need to resolve the matter

appropriately; assures that allegations will be promptly, thoroughly, and impartially addressed; and provides for appropriate corrective action.

The ultimate goal is to prevent sexual harassment, through education and the continuing development of a sense of community. But if sexual harassment occurs, the University will respond firmly and fairly. As befits an academic community, the University's approach is to consider problems within an informal framework when appropriate, but to make formal procedures available for use when necessary.

What sexual harassment is

The University has adopted the following definition of sexual harassment, substantially derived from Equal Employment Opportunity Commission and Department of Education statements:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is explicitly or implicitly made a term or condition of academic participation or activity, educational advancement, or employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions that affect the individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or limiting participation in University programs; or (4) the intent or effect of such conduct is to create an intimidating, hostile, or offensive academic or work environment. Sexual harassment may occur without regard to either party's gender.

Nothing in this policy limits academic freedom, guaranteed by the Faculty Code, which is a pre-eminent value of the University. This policy shall not be interpreted to abridge academic freedom. Accordingly, in an academic setting expression that is reasonably designed or reasonably intended to contribute to academic inquiry, education or debate on issues of public concern shall not be construed as sexual harassment.

A person who commits sexual harassment in violation of this policy will be subject to disciplinary action, up to and including expulsion or termination.

Prevention; dissemination of information

The University is committed to preventing and remedying sexual harassment of students, faculty, and staff. To that end, this policy and these procedures will be disseminated in the University community. In addition, the University will sponsor programs to inform students, faculty, and staff about sexual harassment and the problems it causes; advise members of the University community of their rights and responsibilities under this policy and these procedures; and train personnel in the administration of the policy and procedures.

Consensual relationships

Relationships that are welcomed by the parties do not entail sexual harassment, and are beyond the scope of this policy. Whether a relationship is in fact welcomed will be gauged according to the circumstances; special risks are involved when one party -- whether a faculty member, staff member or student -- is in a position to evaluate or exercise authority over the other. Even when both parties previously consented to a sexual relationship, a charge of sexual harassment may be based on subsequent conduct that one of them does not welcome. Members of the University community are cautioned that consensual relationships, as well as relationships that are not consensual, can in some circumstances entail abuse of authority, conflict of interest, or other adverse consequences that may be addressed in accordance with pertinent University policy and practice.

What to do

Three procedural avenues of redress are available to members of the University community who believe that sexual harassment has occurred -- consultation, informal resolution, and formal complaint. Often, concerns can be resolved through consultation or informally resolved. If the matter is not satisfactorily resolved through the consultation or informal resolution procedure, a formal complaint may be initiated.

Consultation

A member of the University community who is uncomfortable with one or more instances of conduct of a sexual nature that may be inappropriate (even if the person is unsure whether the conduct constitutes sexual harassment), may discuss the matter with the person who has engaged in the behavior or with his or her department chair, dean, staff supervisor, or Dean of Students. Alternatively, or in addition, the offended person may seek University-level assistance by initiating consultation regarding the matter, by contacting the Office of the Vice President and General Counsel. That Office will assign a Coordinator to the case and arrange an initial consultation. The Coordinator will provide a copy of the sexual harassment policy and procedures, respond to questions about them, assist in developing strategies to deal with the matter, and work in accordance with the procedure set forth in Appendix A.

Alternatively, the individual may discuss the matter with the Director of the Office of Equal Employment Activities, the Dean of Students, or the Assistant Vice President in the Office of Faculty Recruitment and Personnel Relations, any of whom may determine the need to refer the matter to the Office of the Vice President and General Counsel, for assignment to a Coordinator.

Informal resolution procedure

An informal resolution procedure, which is initiated in the same manner as a consultation, entails an investigation by the Coordinator of the charges in accordance with Appendix B.

Formal complaint procedure

The formal complaint procedure is available when the informal resolution procedure fails to resolve satisfactorily the allegation of sexual harassment. The person who made the allegation of sexual harassment (the "Complainant"), the person against whom the allegation was made (the "Respondent") or a responsible University official may initiate a formal complaint.

A formal complaint is initiated by submitting to the Coordinator a signed, written request to proceed with a formal complaint. The request is due within 15 business days after the person

receives from the responsible University official a statement of the disposition of the informal resolution procedure. The Coordinator will inform the requesting party of the process that will be followed and provide a copy of the applicable procedure.

The Code of Student Conduct will govern the formal complaint procedure when both parties are students. The applicable staff grievance procedures will govern the formal complaint procedure when both parties are staff members. The formal complaint will be resolved in accordance with the Formal Complaint Procedures set forth in Appendix C, when: (a) the Complainant is a student and the Respondent a faculty or staff member; (b) the Complainant is a faculty member and the Respondent a staff member or student; (c) the Complainant is a staff member and the Respondent a faculty member or student; or (d) the Complainant and Respondent are faculty members.

Outcomes

If the informal resolution procedure or formal complaint procedure results in a determination that sexual harassment occurred, the findings and recommendations shall be referred to the appropriate University official for imposition of corrective action, including sanctions that the official is authorized to impose; provided that an informal resolution procedure may not result in a sanction unless the Respondent has consented thereto. A range of relevant considerations should be taken into account in determining the extent of sanctions, such as the severity of the offense, the effect of the offense on the victim and on the University community, the consequences of the sanction to the Respondent, and the offender's record of service and past offenses. Sanctions may include, but are not limited to, oral or written warning, suspension, expulsion, or termination of employment; provided that a tenured faculty member may not be dismissed except in accordance with the procedures set forth in the Faculty Code, Section F. The University may impose interim corrective action at any time, if doing so reasonably appears required to protect a member of the University community.

Redress of disciplinary action

Nothing in this policy or these procedures shall be deemed to revoke any right that any member of the University community may have to seek redress of a disciplinary action, such as a faculty member's right to maintain a grievance under the Faculty Code.

Confidentiality

The Coordinator and other investigators and decision-makers will strive to maintain confidentiality to the full extent appropriate, consistent with the need to resolve the matter effectively and fairly. The parties, persons interviewed in the investigation, persons notified of the investigation, and persons involved in the proceedings will be advised of the need for discretion and confidentiality. Inappropriate breaches of confidentiality may result in disciplinary action.

Retaliation

Retaliation against a person who reports, complains of, or provides information in a sexual harassment investigation or proceeding is prohibited. Alleged retaliation will be subject to investigation and may result in disciplinary action up to and including termination or expulsion.

False claims

A person who knowingly makes false allegations of sexual harassment, or who knowingly provides false information in a sexual harassment investigation or proceeding, will be subject to disciplinary action.

Time limits

The University aims to administer this policy and these procedures in an equitable and timely manner. Persons making allegations of sexual harassment are encouraged to come forward without undue delay. Established time limits may be extended for good cause, upon request.

Interpretation of policy

The Office of the Vice President and General Counsel is available to provide advice on questions regarding interpretation of this policy and these procedures.

Appendix A: Consultation Procedure

1. The consultation consists of one or more meetings between the Coordinator and the person who requests the consultation.
2. The Coordinator will provide a copy of the sexual harassment policy and procedures and respond to questions about them. The Coordinator may address and clarify the matter with the person, assist in developing strategies to deal with the matter, recommend counseling or other assistance, or determine that no further action is necessary.
3. The Coordinator will prepare a record of the consultation, which will be maintained by the Office of the Vice President and General Counsel. The record will be considered confidential to the full extent consistent with fairness and the University's need to take preventive and corrective action. If the record includes the name of a person against whom an allegation of sexual harassment has been made, the Office of the Vice President and General Counsel shall advise that person of the existence of the record. The file will not be revealed or released to any University authority outside the General Counsel's Office, nor will it be used in or otherwise affect any decisions regarding promotion, tenure, compensation, or other conditions of employment for faculty or staff, or the enrollment status and academic privileges of a student, unless a finding of sexual harassment has been made in accordance with these procedures.
4. When the Coordinator has reason to believe that criminal conduct may have occurred or that action is necessary to protect the health or safety of any individual, the University may, as the Office of the Vice President and General Counsel determines, refer the matter to appropriate authorities.

5. Although consultation may be requested and an informal resolution procedure pursued within any reasonable time after the events giving rise to the consultation or informal resolution procedure, persons who believe they have been subjected to or who otherwise have observed sexual harassment are encouraged to seek assistance from the University through these procedures promptly.

Appendix B: Informal Resolution Procedure

1. A person who requests consultation (the "Person") may pursue an informal resolution.
2. The Coordinator will ask the Person to provide a factual account of the alleged harassment. The Coordinator may assist the Person to prepare a signed statement. If the Person declines to provide a signed statement, the Coordinator will prepare a written summary of the Person's oral allegations.
3. The Coordinator will furnish the Respondent with a copy of the signed statement or the written summary if there is no signed statement. The Coordinator will inform the Respondent of the allegation in sufficient detail to permit an informed response.
4. The Coordinator will investigate the alleged harassment as promptly as circumstances permit, will afford the Respondent a reasonable opportunity to respond to the allegation, and will advise the parties and persons interviewed or notified about the alleged harassment of the need for discretion and confidentiality.
5. Upon initiating an investigation, the Coordinator will inform University officials who would be charged with recommending corrective and disciplinary action ("responsible University officials") of the informal resolution procedure.
6. Upon concluding the investigation, the Coordinator will report on the matter to the responsible University official. The Coordinator will make every effort to resolve the matter informally. The resolution of the matter may include corrective or disciplinary action provided the Respondent consents. Any such corrective or disciplinary action shall be imposed by the responsible University official and be

within his or her discretion and consistent with his or her authority.

7. A responsible official will notify the parties of the disposition of the informal resolution procedure to the extent consistent with University policies, appropriate considerations of privacy and confidentiality, fairness, and applicable law.
8. The Coordinator will report the outcome of the informal resolution procedure to the responsible University official. If the matter has not been resolved informally, the Person who alleged harassment, the Respondent, or a responsible University official may initiate the formal complaint procedure.

Appendix C: Formal Complaint Procedure -- Special Panels

A. Initiation of special panel procedure

1. If a formal complaint is governed by the special panel complaint procedure, the party requesting to proceed with a formal complaint must file a written request with the Coordinator. The request must be filed within 15 business days after receipt of information from a responsible University official of the disposition of the informal resolution procedure (See Appendix B). The written request for a formal hearing must include a factual statement of the sexual harassment alleged and may include a statement of the relief requested.
2. The Coordinator will send a copy of the complaint to the responding party and the Associate Vice President for Human Resources (or designee). The respondent will be given sufficient particularities as to the alleged facts that the respondent may reasonably investigate the charge and prepare his or her defense, with reasonable and appropriate recesses and continuances being provided to all parties. If, after providing the responding party with a reasonable opportunity to respond, the Associate Vice President for Human Resources (or designee), after consultation with the Office of the Vice President and General Counsel, finds that the action(s) alleged could not reasonably be found to constitute sexual harassment under applicable law even if true, the complaint shall be dismissed if the respondent consents to such dismissal. Otherwise the Formal Complaint Procedure as outlined herein will continue.
3. An aim of the special panel process is to complete, if feasible, the formal complaint procedure within 45 business days of the Coordinator's receipt of the formal complaint request.

B. Establishment of special panels

1. A complaint filed under Appendix C will be heard by a five-member panel selected by lot by the Associate

Vice President for Human Resources (or designee), as described in Section C. Panelists will be selected from a pool of 30, ten of whom are faculty members appointed by the Vice President for Academic Affairs, with the concurrence of the Council of Deans and the Faculty Senate Executive Committee; ten of whom are staff employees appointed by the Vice President for Administrative and Information Services; and ten of whom are students appointed by the Dean of Students.

2. Each appointee to the pool ordinarily will serve a two year term. The appointing official should stagger the appointments so that, if feasible, the terms of not more than five of his or her appointees expire in any year.
3. An appointee to the pool (but not to a panel) may be removed and replaced at any time, at the discretion of the appointing official. The appointing official should promptly fill vacancies in the pool or a panel, according to the procedure in Section B.1 above.
4. The Assistant Vice President in the Office of Faculty Recruitment and Personnel Relations and the Director of the Office of Equal Employment Activities and the Dean of Students, or their designees, will conduct mandatory training of all appointees to the pool at the time of appointment and periodically thereafter; provided that no pool member shall receive such training while serving on a special panel. Training will address roles and responsibilities of panel members, complaint procedures, applicable policies, and other techniques and standards pertinent to the complaint and hearing process.

C. Selection of panel

1. Within five business days of receiving the written request to proceed with a formal complaint (see A.2, above), the Associate Vice President for Human Resources (or designee) will select by lot the five-member panel from the pool. Four of the panel members will be from the same status group as the Respondent

and one panel member will be from the same status group as the Complainant. No member of a faculty member's department or of a staff member's administrative departmental organization may serve on the special panel. Within the five-day period, the Associate Vice President for Human Resources (or designee) will notify the Coordinator of the names of the special panel members.

2. The Coordinator will notify the parties of the panelists' names. Within three business days of receipt of the notice, either party may submit to the Associate Vice President for Human Resources a written objection to designation of any panel member. The objection must clearly state the reasons for the objection. The Associate Vice President may, at his or her discretion, replace a challenged panelist with another member of the pool from the same status group.
3. A designated panelist who at any time has or may reasonably be perceived as having a conflict of interest or is otherwise unable to serve on a special panel shall recuse himself or herself, and notify the Associate Vice President for Human Resources of the recusal.

D. Scheduling hearing

1. The special panel members will meet within five business days after their appointment, to select a chairperson and set the hearing date and time. The hearing will be held within a reasonable time, normally 20 business days, after the special panel is appointed. Panel members may not communicate with either party outside the presence of the other party.
2. The special panel chairperson will notify the parties of the hearing date, time, and location at least seven business days before the hearing. Within two business days after receiving notice of the hearing, a party with a scheduling conflict may submit to the chairperson a request for postponement. The chairperson, after consulting the special panel members, has discretion to reschedule the hearing.

All parties will be notified as soon as feasible if the hearing is rescheduled.

3. If a party does not appear for the hearing within 30 minutes after the scheduled time, the special panel will decide whether to reschedule the hearing or proceed.

E. Conduct of hearing

1. The special panel chairperson will preside at the hearing and decide procedural issues. Only persons participating in the proceeding may be present during the hearing except as otherwise provided in these procedures. The hearing will be conducted in the following sequence:
 - (a) Preliminary matters. The chairperson will introduce the parties, their counsel or advisors, and the special panel members; review the order of proceedings; explain procedures that govern use of the tape recorder; and present a brief summary of the complaint.
 - (b) Opening statements. The party who requested the hearing may make an opening statement. The responding party may then make an opening statement. Each opening statement shall not exceed 15 minutes.
 - (c) Presentation of complaint. The party who requested the hearing may present to the panel testimony, witnesses, documents or other evidence. Following the testimony of the party who requested the hearing, and of each witness, the responding party may ask questions.
 - (d) Response to complaint. The party who responded to the complaint shall have a right to know prior to the hearing the contents of and the names of the authors of any written statements that may be introduced against him or her, and to rebut unfavorable inferences that might be drawn from such statements. The responding party may present

testimony, witnesses, documents or other evidence to the panel. Following the testimony of the responding party, and of each witness, the party who requested the hearing may ask questions. Following the testimony of the responding party, and of each witness, the party who requested the hearing may ask questions.

(e) Closing statements. The party who requested the hearing may make a closing statement. The responding party may then make a closing statement. Each closing statement shall not exceed 15 minutes.

2. Special panel members may ask questions of parties or witnesses at any time during the hearing.
3. The hearing will not be conducted according to strict rules of evidence. However, the special panel chairperson may limit or exclude irrelevant or repetitive testimony, and may otherwise rule on what evidence may be offered.
4. When the hearing cannot be completed in one session, the special panel chairperson may continue the hearing to a later date and time.
5. The hearing will be recorded on audiotape. Either party may obtain from the Coordinator a copy of the recording at reasonable cost, on written request.

F. Witnesses

1. Each party (and the panel) may ask witnesses to testify at the hearing, but no person may be directed to testify other than the Complainant and any other person who gave evidence that has been considered by the panel. Information from persons able but unwilling to appear shall not be considered by the panel. Information from persons who cannot appear shall be subject to a ruling of admissibility by the Chair. The Chair may take reasonable steps to protect the witnesses against abuse or harassment, short of excusing their appearances.

2. At least three business days before the hearing, each party must provide the chairperson, the Coordinator and the other party a list of witnesses he or she intends to present at the hearing.
3. The special panel may request that additional witnesses appear. The Coordinator will, if feasible, arrange for the appearance of these witnesses.
4. Each party is responsible for notifying its witnesses of the hearing date, time, and location. A hearing will not necessarily be postponed because a witness fails to appear.
5. All witnesses will be excluded from the hearing before and after their testimony. A witness may be recalled at the discretion of the special panel chairperson.
6. A University employee must obtain permission from his or her supervisor to be absent from work to appear at a hearing. Employees will be paid while appearing at a hearing during working hours, but not for other time spent on the complaint during or outside working hours.
7. A student must obtain permission from his or her professor to be absent from class to appear at a hearing.
8. Supervisors and professors should be aware of the importance of hearings and not unreasonably withhold permission to appear at a hearing. If an employee or student needs assistance in obtaining permission to appear at a hearing, he or she should contact the Coordinator.

G. Advisors

1. Each party may be accompanied by not more than two advisors, who may be University employees or other persons the party selects; provided that not more than one of the advisors shall be acting in an attorney capacity.
2. No advisor may speak on behalf of the party, make an opening or closing statement, present testimony or

examine witnesses. The advisor's role is limited to assisting the party to prepare for the hearing and providing the party private advice during the hearing.

3. Notwithstanding the preceding paragraph, when a party is a faculty member and has active representation, the other party will also be allowed active representation. In that event each party shall identify one attorney, or other advisor, who throughout the proceeding may (but shall not be required to) speak on behalf of the party, make opening and closing statements, and examine witnesses.
4. A Complainant or Respondent who plans to be accompanied by an attorney or other advisor at the hearing must notify the Coordinator and the other party at least five business days before the hearing.
5. The special panel may request or the University may provide a University-furnished attorney or other advisor to be present at any hearing to advise the special panel.
6. The University may have an observer present at any hearing.

H. Decision after hearing

1. After the hearing, the special panel will meet in closed session to review the hearing and make a decision on the complaint, consistent with the substantial weight of the evidence. The decision must be approved by four-fifths of the special panel members. If the special panel concludes that sexual harassment occurred, it may recommend corrective or disciplinary action. The recommendation must be approved by a majority of the special panel members.
2. The special panel report of its decision must be in writing and set forth findings of fact, conclusions, and, where appropriate, recommendations for corrective or disciplinary action.

3. The special panel will submit the report of its decision to the Associate Vice President for Human Resources within ten business days after the hearing ends.
4. If the special panel concludes that sexual harassment occurred, the Associate Vice President for Human Resources will forward a copy of the special panel report to a University official responsible for implementing corrective or disciplinary action. After reviewing the special panel report, a responsible University official will decide whether to impose corrective or disciplinary action, consistent with that official's authority. Before issuing a final decision, the responsible University official will advise the Respondent of the proposed sanction, will permit the Respondent to review all parts of the special panel report on which the sanction is based, and will give the Respondent a reasonable opportunity to reply before the sanction is imposed. A responsible University official will notify the parties of the disposition, to the extent consistent with University policies, appropriate considerations of privacy and confidentiality, and applicable law. A responsible University official will send a copy of the special panel report to the parties (at their home addresses of record, by courier, overnight mail or certified mail, return receipt requested). The report sent to the parties may omit portions, to maintain consistency with University policies regarding confidentiality.

I. Review of special panel decision

1. A party dissatisfied with a special panel decision may submit a request for review to the Associate Vice President for Human Resources, who will transmit the request to the vice president(s) responsible for oversight of the status groups to which the parties belong. For example, when the Complainant is a staff member and the Respondent a faculty member, the Vice President for Administrative and Information Services and the Vice President for Academic Affairs will jointly review the matter; when Complainant and

Respondent are both faculty members, the Vice President for Academic Affairs will review the matter.

2. The request for review must be in writing and set forth reasons why the special panel decision should be modified or overturned. The review must be based on the hearing record and may not present new evidence or testimony.
3. The request for review must be submitted within 15 business days of the party's receipt of the special panel decision. If the request is not received by then, the special panel decision will be the final University decision on the complaint.
4. The Vice President(s) will strive to issue a final decision on the review within 20 business days following submission of the request for review. The decision of the Vice President(s) shall be the final decision on the complaint within the University.
5. When the special panel decision is final, or when the final decision on a review is issued, the Coordinator will provide a copy of it to the University official(s) responsible for implementing corrective or disciplinary action. Any corrective or disciplinary action taken shall be within the discretion and consistent with the authority of the responsible University official. A range of relevant considerations should be taken into account in determining the extent of sanctions, such as the severity of the offense, the effect of the offense on the victim and on the University community, the consequences of the sanction to the Respondent, and the offender's record of service and past offenses. Respondent will be promptly notified of the outcome.
6. A responsible University official will send a copy of the final decision to the parties (at their home addresses of record, by courier, overnight mail or certified mail, return receipt requested). The copy sent to the parties may omit portions, to maintain consistency with University policies regarding confidentiality.

A RESOLUTION OF APPRECIATION (99/7)

WHEREAS, Lilien F. Robinson has earned the highest level of respect, gratitude, and admiration of the University community; and

WHEREAS, her term of service on the Executive Committee of the Faculty Senate has reached its statutory limit; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the following citation be issued:

In recognition of her wide range of contributions to The George Washington University community during 36 years of remarkable service; and

In recognition of her 36 years of dedicated service to her students which is characterized by excellence in teaching, commitment to scholarship, and adherence to high academic standards throughout her progression from Teaching Fellow to Professor of Art; and

In recognition of her 22 years of service to her faculty in the Department of Art where she provides exceptional leadership as Chair; and

Especially in recognition of her sustained and outstanding service to the entire University faculty which is characterized by major accomplishments due, in part, to her objectivity, ability to listen, persistence, patience, reasoned thinking, fairness, kindness, and diplomacy during 22 years on the Faculty Senate, 10 years on the Executive Committee serving 8 years as Chair, 6 years as Chair of the Committee on Appointment, Salary, and Promotion Policies, 3 years as Chair of the Committee on Administrative Matters as They Affect the Faculty, 2 years as Chair of the Committee on Professional Ethics and Academic Freedom, and 1 year as Chair of the Committee on Educational Policy;

THE FACULTY SENATE

OF

THE GEORGE WASHINGTON UNIVERSITY

CITES

PROFESSOR LILIEN F. ROBINSON

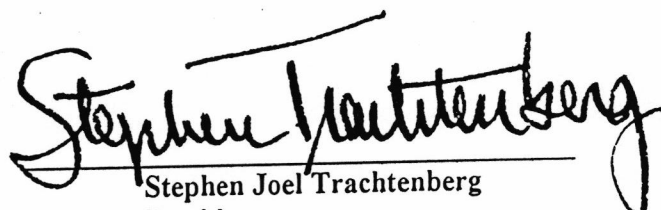
FOR

DISTINGUISHED SERVICE



April 14, 2000

**Adopted by acclamation
April 14, 2000**


Stephen Joel Trachtenberg
President